

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT TREVINO,

1:05-cv-00466-OWW-SMS-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 13)

vs.

WHITTEN, et al.,

**ORDER DISMISSING CERTAIN
CLAIMS AND DEFENDANTS**

Defendants.

Plaintiff Robert Trevino ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On October 18, 2005, the Magistrate Judge filed a Findings and Recommendations herein which was served on plaintiff and which contained notice to plaintiff that an objection to the Findings and Recommendations, if any, was to be filed within thirty days. Plaintiff did not file an objection to the Findings and Recommendations.

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1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations, filed October 18,
8 2005, is ADOPTED IN FULL;

9 2. This action shall proceed on plaintiff's complaint,
10 filed April 11, 2005, against defendants Thomas and Curtis for
11 violating plaintiff's right of access to the courts;

12 3. Plaintiff's due process/access to the courts claim(s)
13 based on the handling of his inmate appeals are DISMISSED for
14 failure to state a claim upon which relief may be granted;

15 4. Plaintiff's equal protection claim is DISMISSED for
16 failure to state a claim upon which relief may be granted; and,

17 5. Defendants Whitten, Cooper, and Moreno are DISMISSED
18 from this action based on plaintiff's failure to state any claims
19 upon which relief may be granted against them.
20

21 IT IS SO ORDERED.

22 **Dated: November 29, 2005**
23 emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE